



INVESTIGATION OF RAPES AND SEX OFFENSES

FC No.: 616

Date: 02-11-04

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

The investigation of rape and sex offenses will be a coordinated effort among police investigators, victim outreach programs, and social support systems. ***Refer to FC 611, "Follow-up Investigation Responsibility," for investigative responsibilities of rapes and sex offenses.***

II. Initial Investigation (CALEA 42.2.2)

A. Welfare of the Victim

The officer's first responsibility is the welfare of the victim. When applicable, the officer must administer first aid and/or call for an ambulance.

1. If the victim has sustained injuries requiring immediate treatment, the officer will direct transportation to the nearest hospital.
2. In non-emergency situations, if it is necessary to transport the victim to the hospital prior to the investigator's arrival, advise the victim to take a change of clothing, if available.
 - a. The victim has the right to choose any hospital within Montgomery County.
However, SGAH is the preferred choice

for a Sexual Assault Nurse Examiner (SANE) exam.

- b. The victim has the right to request that the examination be conducted by the victim's personal physician.
- c. The victim has the right to refuse medical treatment.

B. Protection of the Crime Scene

Everything at or near the crime scene is potential evidence and must be preserved. Unless disruption is necessary to assist the injured victim, the crime scene must remain secure. All unauthorized persons, including police officers not assigned to the case, must be barred from the scene.

1. Responsibility for the protection of the crime scene rests and remains with the first officers on the scene until the arrival of the criminal investigator.
2. The victim is the primary crime scene. Encourage the victim not to bathe, change clothing, or use bathroom facilities. (CALEA 83.2.1)
3. Record the time of arrival, observations made at the scene, names of all persons on the scene, and location of initial contact with the victim.
4. Record all spontaneous statements made by the victim, as well as the victim's physical condition, demeanor, and the condition of the victim's clothing.
5. Have the victim indicate in what areas of the scene the assault(s) took place and items or areas possibly handled by the suspect.
6. Obtain as detailed a description as possible of the suspect and place a radio lookout if an immediate apprehension is possible. If an immediate apprehension is made:
 - a. Do not let the suspect bathe, change clothing, or use bathroom facilities.
 - b. Record spontaneous statements made by the suspect.
 - c. Record the physical condition of the suspect, condition of the suspect's clothing, suspect's demeanor, and location of initial contact with the suspect.

7. If the crime occurred inside a vehicle, preserve it for complete processing (photographing, recovery of **latent prints**, hair, fibers, and body fluids).
 8. Identify any witnesses and record their names, addresses, and telephone numbers; attempt to detain the witnesses at the scene until the arrival of the investigator.
 9. Do not conduct an in-depth interview of the victim if the crime is a rape or a first, second, or third degree sex offense. Ascertain sufficient information to classify the offense and immediately notify a criminal investigator.
 10. If applicable, yield responsibility for the investigation to the criminal investigators upon their arrival and continue to assist as necessary.
- C. A female investigator or uniformed officer will accompany the victim under the following circumstances:
1. If requested by the victim or the victim's parents, and/or
 2. If an evidence collection kit is utilized at a hospital other than Shady Grove Hospital (SANE Program). (CALEA 83.2.1)
- D. Except in cases of fourth degree sex offenses, all items of clothing worn at the time of the assault shall be seized. ***If a SANE exam is completed at the SGAH, normally the SANE nurse will collect, package, seal, and label the victim's clothing. If this is not done by the SANE nurse, the investigating officer will ensure that each item is packaged in separate paper bags, and labeled appropriately to indicate chain of custody (date, time, initials of collector, name, and DOB of victim). (CALEA 42.2.3.d, 83.2.1)***
- E. In the case of first degree rape, if an arrest is made, the criminal investigator in charge of the investigation will notify the State's Attorney's Team Leader or on-call State's Attorney for the district where the rape occurred.

III. Sexual Assault Assistance Team (SAAT)

The SAAT is composed of a criminal investigator, a professional counselor, and/or a trained volunteer from the Victim Assistance and Sexual Assault Program (VASAP), an outreach program of the Montgomery County Department of Health and Human Services.

A. Notification Procedure

1. ***When notified of a rape or sexual assault that meets the mandatory response criteria in FC 611, "Follow-up Investigation Responsibilities," the responding investigator will, prior to the completion of the police interview, ensure that the on-call SAAT/VASAP counselor or volunteer is notified and asked to respond to the hospital. Once the police interview is completed, to include off-site travel to isolated scenes, suspects, and/or witnesses, the victim will be referred immediately to the VASAP volunteer. Nothing precludes earlier activation of VASAP at the discretion of the investigator.***
 2. The VASAP can be contacted ***between 0900 and 1700 hours at (240) 777-1355. After hours, VASAP can be contacted at (301) 315-4000, an after hours hotline.*** These numbers will be used regardless of the victim's age.
 3. If the victim reports the offense to the VASAP:
 - a. A counselor will contact the Homicide/Sex Section investigator or ***FCD*** investigator, as appropriate, who will assume responsibility for securing evidence and obtaining a statement from the victim.
 - b. A counselor/volunteer will accompany the victim throughout the investigative process if requested by the victim or parent/guardian of a juvenile.
 - c. If the victim does not wish any police involvement, the VASAP staff will forward a "third party" report containing the facts of the case to the police investigators. Upon receipt of said document, the police will initiate a Police Information report, utilizing whatever information is available.
 - d. The VASAP staff will encourage the victim to initiate a police report.
- B. If the victim or parent/guardian of a juvenile requests, the VASAP counselor or volunteer will attend the medical examination. Upon request of the victim or parent/guardian of a juvenile, the counselor or volunteer will attend the police interview.
- C. The VASAP counselor or volunteer will advise the victim and family or friends present of the support services available. The counselor or

volunteer will also work with the criminal investigator to keep the victim informed of all developments in subsequent judicial proceedings.

- D. Investigating officers may refer adult victims of fourth degree sex offenses to the VASAP for follow-up counseling.

IV. Child Victim Case Coordinator Program (CVCC) and Victim Assistance and Sexual Assault Program Victim Assistant (VASAPVA)

- A. The **FCD's** CVCC Program is an outreach service provided by the department. The CVCC works with the criminal investigators to provide victim assistance to sexually assaulted victims under 18 years of age when there are multiple victims of an offender.
- B. The CVCC works in close collaboration with the VASAPVA referring all other sexually assaulted victims to the VASAPVA for victim assistance services.
- C. Both the CVCC and the VASAPVA work in close collaboration with the criminal investigator, District Court, and State's Attorney's Office. Both remain in contact with the victim and family regarding development in subsequent judicial proceedings.
- D. The CVCC will be contacted by the **FCD** investigator of all rape and sex offense crimes investigated by the **FCD**.

V. Sexual Assault Nurse Examiner (SANE)

- A. The SANE is available at Shady Grove Hospital in the Sexual Abuse and Assault Center. The SANE has specialized training and will be able to assist with the Evidence Collection Kit in cases of alleged sexual assault and abuse.

VI. Proponent Unit: Homicide/Sex Section and Family Crimes Division

VII. Cancellation

This directive cancels Function Code 616, effective date 01-10-00.



William O'Toole
Acting Chief of Police